

**BLOOMINGTON HUMAN RIGHTS COMMISSION
DIRECTOR'S QUARTERLY REPORT
July - September 2005**

I. Discrimination complaints

A. Pending from prior quarters

1. Commissioner Bowman's case
 - a. National origin and/or disability discrimination in employment case filed in March, 2005
 - b. Complainant wanted to amend complaint to include age discrimination, which the BHRC has no jurisdiction over
 - c. Complaint transferred to EEOC (which does have jurisdiction over age discrimination) at complainant's request
2. Commissioner Calloway-Thomas' case
 - a. Sex discrimination in employment case filed in March, 2005
 - b. Investigation pending after settlement negotiations proved unsuccessful
3. Commissioner Harlig's case
 - a. Race and/or disability discrimination in employment case filed in May, 2005
 - b. Investigation pending after settlement negotiations proved unsuccessful

B. New Cases

1. Commissioner Bowman's case

- a. Race and/or national origin discrimination in employment case filed in July, 2005
- b. BHRC approved settlement in September, 2005
- c. Employer agreed to provide complainant with apology and neutral reference and to provide fair employment training

2. Commissioner's Bangert's case

- a. Sex discrimination in employment filed in August, 2005
- b. Settlement discussions pending

3. Commissioner Metz's case

- a. Sex and/or race discrimination in employment case filed in August, 2005
- b. Settlement pending

C. Intakes completed and complaints filed with Equal Employment Opportunity Commission (when BHRC had no jurisdiction)- there were three complaints filed with the EEOC

D. Intakes and complaints filed with the Indiana Civil Rights Commission - there were no complaints filed with the ICRC

E. Intakes/discussions that have not yet led to formal complaint being filed

- 1. Complainant, an African American woman with biracial children, said her neighborhood association, or at least its president, was discriminating against her on the basis of

her race by imposing unique pool rules for her family. Scheduled appointment but did not show; did not return follow-up phone call.

2. Complainant said his employer, a fast food restaurant, treated him differently because of his disability. Scheduled appointment but did not show; did not return follow-up phone call.
3. Caller, an African American woman, said her employer was discriminating against her by assuming she was responsible for missing cash. Scheduled appointment; called to cancel and reschedule; didn't show up for rescheduled appointment and didn't return phone call.

II. Miscellaneous inquiries

- A. Caller said he is pursuing complaint against employer in small claims court. He had done a lot of legal research on his own and wanted BHRC to represent him. Explained that BHRC does not represent individuals and that BHRC did not have jurisdiction over his employer, which is not in the city limits. He had many questions about court proceedings and policies; urged him to hire an attorney or find one who will work pro bono.
- B. Caller wanted extension of unemployment benefits; referred to state employment office.
- C. Email writer wanted to know ADA requirements on ramp surfaces; quoted regulations.
- D. Caller wanted to know if there were any people in Bloomington who function as employee advocates and who would accompany people to unemployment benefit hearings; referred to local employment lawyers and to IU Student Legal Clinic.
- E. Email writer, for whom we had prepared a housing discrimination complaint several years ago (case was not within BHRC jurisdiction) and who has repeatedly asked BHRC for help with her case

despite our repeated explanations that we don't have jurisdiction, wrote an email in the wake of the incident at the Bloomington Mosque, expressing dismay that no one was helping her with the hate incident that had happened to her (dispute with her neighbors).

- F. Commissioner asked BHRC staff to send BHRC materials to representatives of Martinsville PRIDE; did so.
- G. Commissioner asked for examples of housing discrimination cases for talk to realtors; provided.
- H. Caller said that her landlady had repeatedly promised to install ramp for her son, who has a serious disability, but has not done so yet. Law does not require landlady to install ramp at her expense; does require landlady to allow tenant to install ramp at tenant's expense. Advised caller to write landlady brief letter reminding her of her promise and explaining that the son's condition is getting worse, to document complaint before taking formal action.
- I. Caller said he is looking for a lawyer to sue a town that wouldn't let him drive his trucks through the town; town did allow other truckers to go through town. He has a lawyer and has filed suit, but current lawyer wants to resign. Gave some suggestions on how to find a lawyer.
- J. Caller, from Terre Haute, wanted help getting a reason for his termination from his previous employer and wanted to file a harassment complaint; referred to Terre Haute Human Relations Commission.
- K. Caller said he was suing police in Vanderburgh County and he needed a civil rights lawyer. Referred to Vanderburgh County Bar Association and/or Indiana Civil Liberties Union.
- L. Email writer, a law professor at Notre Dame who is working with South Bend Equality on adding sexual orientation/gender identity to the local

ordinance, asked why the BHRC did not have legal teeth in its sexual orientation provisions. Explained legal reasoning and provided copies of research on topic.

- M. Caller said that her daughter-in-law had beat up her son, and that police would not help out. Referred to Middle Way house; Middle Way works largely with female victims, but likely would be more informed about resources for male victims than BHRC.
- N. Caller, not in city limits, wanted to know what his rights were as a tenant. He said his air conditioning was not working well. Explained that outside the city, there's not a lot of legal protection for tenants. Referred him to the attorney general's office for more information about state law and to a private attorney if he thinks the landlord is violating the lease.
- O. Email writer, from IU GLBT office, wanted exact language of the Bloomington Human Rights Ordinance for brochure; provided.
- P. Inmate at Monroe County Jail sent a letter to the BHRC (and to media outlets, every lawyer in town, every judge in town, several mayors, etc) saying that he had been wrongfully convicted. Responded with a letter letting him know we have no jurisdiction over criminal matters.
- Q. Caller asked who to call about violations of HIPPA; referred to Health and Human Services and Department of Justice.
- R. Caller wanted to know where to get medical power of attorney form for son with disabilities; referred to office supply stores, library, state board of health, hospital and/or private attorney.
- S. Caller, same caller as in A, above, said that he was having trouble prevailing in small claims court and wanted information on how to obtain documents and witness statements from his former employer. Referred him to a private attorney. He

complained that he couldn't call the EEOC because they didn't have a toll-free number. Gave him the toll-free number; he complained that no one had given him that number before. He said that the EEOC said we would help him in small claims court; told him that first, we can't represent him in court and second, that we don't have jurisdiction over his employer, which is not in the city limits. He said repeatedly that the EEOC said we would help him so we need to. Referred, again, to the EEOC and/or private attorney.

- T. Visitors to office, who manage rental properties, had questions about legal requirements for service animals and/or companion animals. Explained current status of the law, which is not as clear as it could be.
- U. Caller, from agency that works with people who are HIV +, asked for information about what the BHRC does so he could update brochure; provided information.
- V. Email writer, a former BHRC law clerk, asked for permission to use legal memo she prepared for BHRC as her writing sample to accompany her application to be a clerk for a federal judge; granted permission.
- W. Caller, an intern with the South Bend Human Rights Commission, asked for update on the BHRC's experience with sexual orientation discrimination cases; answered about case load, staff responsibilities and probable cause findings.
- X. Email writer, from Columbus Human Rights Commission, asked for information about Bloomington's experience with occupancy standards; referred to assistant city attorney who deals with these issues.
- Y. Email writer, an acquaintance of McKinney's, said she had applied for a promotion with her employer (outside of the city limits). The job was given to a younger employee, a man with less experience. She asked what is entailed in filing

an age discrimination complaint and how that is done; answered questions.

- Z. Email writers and callers asked for copies of current hate incidents report; provided.
- AA. Email writer asked for updated description of BHRC for City's Community and Family Resources Department's Community Services Director; provided.
- BB. Email writer complained that "McKinney's article" in the HT about hate incidents report did not include reports of vandalism to Republican yard signs and headquarters. Responded with copy of report, which did include these incidents as a postscript because they are not technically hate incidents; explained that McKinney did not write the article in the HT.
- CC. Caller said that prospective landlord said it would accept Section 8 tenants only if they are families with children; this is legal under familial status discrimination law.
- DD. Caller said that his current landlord was giving him a negative reference because he had complained to HAND about problems with his rental property. Not a discrimination issue under the human rights ordinance; referred to HAND.
- EE. Visitor to office expressed interest in applying to BHRC; answered questions and provided application.
- FF. Writer said that he was being discriminated against on the basis of his unspecified age and because of his criminal record. He lives in Martinsville and has been applying for jobs in Martinsville. Wrote back, explaining how to file an age complaint with the EEOC, letting him know that it's not illegal to refuse to hire people with criminal records and referring him to a private lawyer to attempt to get his criminal record expunged.

- GG. Caller, from northern Indiana, said he was in desperate need for help, as the military is subjecting him to radiation experiments. Referred to ICLU and/or congressman.
- HH. Email writer asked if restaurants having outdoor sidewalk seating are required to have a fence or barrier around the tables; no. He asked which department gives permits for sidewalk encroachments; public works.
- II. Caller said she was injured in an accident two years ago and has not been able to work since. Her boyfriend has helped her with her rent, but last month he couldn't, and so she applied for and received assistance from her township trustee's office. Her landlord told her he didn't want charity cases and was evicting her. She is on a month-to-month lease. Explained that this does not fall under our jurisdiction; referred her to legal services for assistance.
- JJ. Caller said that both she and her son have disabilities. She said that her electricity has been shut off. She said that a social services agency came in the middle of the night and took both her and her son to a nursing home, claiming this was on doctor's orders, but her doctor denied having issued this order to her. Not an issue within the jurisdiction of the BHRC; referred to Legal Services, to private lawyer and to Options for Better Living.
- KK. Fax writer asked for permission to reproduce several articles from Rights Stuff newsletter and to use Diversity Team handbooks for IU class, Human Resources Management in the Public Sector. Granted permission.
- LL. Email writer said her son, an African American, who is mentioned in P above, is being held in jail on false charges of raping a white woman. She said his public defender advises him to plead guilty, even though the evidence shows he is innocent. She fears for his life in jail. Explained that this was not in our jurisdiction; referred to private lawyer, Monroe County NAACP,

sheriff, head of public defender's office,
Indiana Civil Liberties Union and Monroe
County Commissioners' office.

- MM. Caller wanted to know if ADA requires truncated domes at curb cuts; yes, newly revised regulations require these.
- NN. Caller had dual-filed a complaint of disability discrimination in employment with the BHRC and EEOC in October, 2004. The employer offered a settlement, but the complainant believed he was entitled to punitive and other damages, which are available only through the EEOC, not the BHRC. He decided to transfer the complaint to the EEOC. He called in August, 2005, saying that the EEOC had dismissed his case and wanting to refile with the BHRC to get the settlement that had been offered last fall. Not allowed to do this under BHRC procedures.
- OO. Caller said she had an employment agreement with an organization in Bloomington, which the organization had breached in several ways. She said she believed this was because of lousy business practice and poor communication skills, not discrimination. Referred to private lawyer for breach of contract issue.
- PP. Caller, a gay man, said his neighbor has said rude and untrue things about him, threatened to shoot him and threatened to have him evicted. Not a case of housing discrimination as the landlord is not the culprit. He has complained to landlord and believes they are trying to help. Referred to the law school's restraining order project.
- QQ. Caller said her landlord requires tenants to show accessible license plate, current driver's license and insurance before allowing them to have accessible parking spaces near their units. She has a disability and a driver's license but does not have a car; a neighbor has a disability, a car, but not a current license. She drives her neighbor around but under the landlord's policy, neither is entitled to an accessible parking space, so they have to park fairly far away. She

asked if this was legal. Explained that landlords have to provide reasonable accommodations and make exceptions to policies when it's reasonable to do so; explained that without an investigation, it's hard to know what is reasonable; wrote letter to that effect and mailed to caller to show to her landlord.

III. Publicity

- A. Public service announcements sent to radio stations
- B. Mailed 150 copies of monthly newsletter, Rights Stuff, to businesses, agencies and individuals, and distributed 100 copies at bookstores, coffee houses and library
- C. McKinney appeared on WFIU's Noon Edition and on WFHB to talk about hate crimes after mosque arson
- D. H-T, IDS, WFIU and WGCL all did stories about annual hate incidents report
- E. Bowman, Harlig and McKinney all appeared on WFHB's BloomingOut program to talk about gender identity discrimination
- F. BHRC displayed materials at La Casa/GLBT Center open house
- G. BHRC participated in 4th of July parade, distributing 1000 activity books

IV. Networking/education

- A. McKinney attended meetings of Stories of the Spirit group; organized October forum
- B. McKinney attended meetings of language assistance group; organized October conference
- C. McKinney attended conference on "Hot Topics in EEO Law"
- D. BHRC staffed table at Festival Latino

- E. McKinney attended Monroe County Bench-Bar Conference
- V. Affirmative action/common wages/living wage ordinance
 - A. McKinney reviewed nineteen affirmative action plans; found one plan to be unacceptable; Contract Compliance Committee overturned finding
 - B. Toddy closed two common wage files
 - C. Toddy conducted three on-site visits
 - D. McKinney prepared flow chart to help determine applicability of living wage ordinance
- VI. ADA Issues
 - A. McKinney met with members of Council for Community Accessibility to determine best way to improve accessibility of local businesses
 - B. Caller complained about accessible parking at restaurant; wrote letter